

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL NO. 1:05CR211-2**

**UNITED STATES OF AMERICA**      )  
  )  
  )  
**VS.**                                 )  
  )  
  )  
**RUDOLPH KIRKPATRICK, JR.**      )  
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  )

**ORDER**

**THIS MATTER** is before the Court on the Government's motion to reduce Defendant's sentence pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure.

For the reasons stated therein,

**IT IS, THEREFORE, ORDERED** that the Government's motion is **ALLOWED**, and the Defendant's sentence is hereby reduced from a total term of 48 months imprisonment to a term of 8 months imprisonment as to Counts One and Eleven to run consecutive to the 24-month mandatory sentence imposed for Count Nine, for a total term of 32 months imprisonment, with all other terms and conditions of the Judgment of

Conviction to remain in full force and effect. The Clerk of Court shall prepare an amended Judgment in accordance with the terms herein.

The Clerk is directed to transmit copies of this Order electronically to the United States Attorney, the United States Marshal, the United States Probation Office, defense counsel, and to the Warden of the federal correctional facility where the Defendant is currently imprisoned. The Clerk is further directed to send a copy by regular United States Mail to the Defendant.

Signed: October 6, 2006



Lacy H. Thornburg  
United States District Judge

